

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE NOS. 82-17, 84-5, 86-16, AND 87-10 AND REPLACING SAID ORDINANCES WITH ONE ORDINANCE TO BE KNOWN AS THE MUNICIPAL SERVICE TAXING UNIT (MSTU) SPECIAL ASSESSMENT ORDINANCE FOR THE PURPOSE OF PROVIDING THE SIX (6) MUNICIPAL SERVICE TAXING UNITS IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, WITH ROAD AND STREET IMPROVEMENTS WITHIN THE SIX (6) EXISTING UNITS; PROVIDING FOR REPEALER; CREATION AND PURPOSE; GOVERNING BODY OF MUNICIPAL SERVICE TAXING UNITS; POWERS; FUNDING; BUDGET ADOPTION; TRUST FUNDS; IMPROVEMENTS; OTHERS; SPECIAL ASSESSMENTS; PROPERTY OWNERS; METHOD OF ASSESSMENT; INITIAL PETITION; FINAL PETITION; PERCENTAGE OF COSTS AND FURTHER PROCEDURES; PETITION FORMS; DESIGN AND FUNDING; PUBLIC INFORMATION MEETING; PUBLIC HEARING; DECLARE SPECIAL ASSESSMENT; PRIORITY OF LIEN, INTEREST, AND METHOD OF PAYMENT OF SPECIAL ASSESSMENTS; VALID ASSESSMENT TO BE MADE; ISSUANCE OF CERTIFICATE OF INDEBTEDNESS; DEFAULT ON SPECIAL ASSESSMENTS; ASSESSMENT ROLL SUFFICIENT EVIDENCE; PAYMENTS; REPEAL OF COURTESY ROAD POLICY; PRIORITY OF PETITIONS AND RECORD-KEEPING; IMPLEMENTATION BY CORPORATION; FULL SPECIAL ASSESSMENT ALLOWED; SUPPLEMENTAL PROVISIONS; SAVINGS CLAUSES; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND EFFECTIVE DATE

WHEREAS, the repeal of Ordinance Nos. 82-17, 84-5, 86-16, and 87-10 is necessary and desirable so that one unified ordinance might be adopted incorporating all previous Municipal Service Taxing Unit (MSTU) Special Assessment Ordinances and amendments into a single document referencing, enacting, and establishing boundaries for the six (6) Municipal Service Taxing Units; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, desires to maintain public roads to the highest standards possible and to encourage paving and all related improvements to roads and rights-of-way and to encourage the installation of water distribution and sanitary sewer systems; and

WHEREAS, it is the intention of the Board of County Commissioners of Palm Beach County, Florida, to affirm elimination of the minimal improvements and costly maintenance of roads resulting from the "courtesy maintenance policy" and to provide the financial vehicle for a continuing program to improve roads, partly

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1 through special assessments upon property owners specially
2 benefiting from said improvements, partly from taxes generated in
3 said Municipal Service Taxing Units, and through other sources; and

4 WHEREAS, the Board of County Commissioners of Palm Beach
5 County, Florida, hereby exercises its authority to adopt this
6 Ordinance under Chapter 125, Florida Statutes.

7 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
8 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

9 SECTION 1: REPEALER

10 Ordinance Nos. 82-17, 84-5, 86-16, and 87-10 which
11 created six (6) Municipal Service Taxing Units in the
12 unincorporated area of Palm Beach County for the purpose of
13 providing road and street improvements within said Municipal
14 Service Taxing Units are hereby repealed and replaced by this
15 Ordinance.

16 SECTION 2: CREATION AND PURPOSE

17 There are hereby established six (6) Municipal Service
18 Taxing Units pursuant to the authority granted in Section
19 125.01(1)(q) and (r), Florida Statutes. Said Municipal Service
20 Taxing Units shall be known as "Municipal Service Taxing Unit Nos.
21 1, 2, 3, 4, 5, and 6," respectively, and may be alternatively
22 designated as "Municipal Service Taxing Units A, B, C, D, E, and
23 F," respectively. Each UNIT which shall consist of a specific
24 portion of all the unincorporated area of Palm Beach County. Each
25 Municipal Service Taxing Unit is legally described in Exhibit "A"
26 attached hereto and incorporated herein for all purposes. Each
27 Municipal Service Taxing Unit shall consist of the specifically
28 described portion of the unincorporated area of Palm Beach County,
29 except Municipal Service Taxing Unit Unincorporated-wide No. 6,
30 which shall consist of the entire unincorporated area of Palm Beach
31 County, excepting all municipalities, as said municipalities now
32 exist and may from time to time be changed in accordance with law.
33 The purpose of each Municipal Service Taxing Unit shall be to

1 provide within each corresponding Municipal Service Taxing Unit
2 street and road improvements to facilitate the passage and control
3 of vehicular traffic and pedestrians; street lighting to promote
4 safety and convenience of travel in, upon, along, and across said
5 streets by vehicular traffic and pedestrians; other improvements
6 and facilities described in Section 8 of this Ordinance; and, other
7 purposes incidental hereto (hereinafter collectively referred to as
8 "improvements" unless the text indicates otherwise), pursuant to
9 this Ordinance and in compliance with law.

10 **SECTION 3: GOVERNING BODY OF MUNICIPAL SERVICE TAXING**

11 **UNITS**

12 The Board of County Commissioners of Palm Beach County,
13 Florida (hereinafter referred to as "BOARD"), shall be the
14 governing body of each Municipal Service Taxing Unit (hereinafter
15 referred to as "UNIT[S]") created by this Ordinance. All
16 references to the BOARD or UNIT herein shall be deemed to include
17 both, as appropriate.

18 **SECTION 4: POWERS**

19 Each UNIT shall have the power to levy ad valorem taxes,
20 contract, borrow and expend funds, issue bonds, certificates of
21 indebtedness, revenue certificates, other obligations of
22 indebtedness, and to exercise other powers as granted by law. Each
23 UNIT is authorized to enter into contracts with municipalities,
24 counties, and other taxing units of government for the purpose of
25 providing the UNIT with any or all of the services the UNIT is
26 established to provide.

27 **SECTION 5: FUNDING**

28 Each UNIT created hereunder shall be funded through the
29 levy of an ad valorem tax which, together with all other ad valorem
30 taxes levied for municipal services within the UNIT, shall not
31 exceed ten (10) mills against the assessed value of all lawfully
32 taxable property situated within the boundaries of the respective
33 UNIT including, but not limited to, service charges, if any,

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1 special assessments, and any other income or sources of funds
2 attributable to the respective UNIT. Funds lawfully available
3 from any source may be utilized to pay for the improvements made
4 pursuant to this Ordinance.

5 Initial funding for water and/or sewer improvements
6 within the County Water Utilities Department service area shall be
7 from funds of the Department. Said improvements shall be subject
8 to special assessments pursuant to the provisions of this
9 Ordinance. Provided, however, that special assessments levied upon
10 specially benefitted property within any of the UNITS established
11 by this Ordinance shall not be made for the payment of regular
12 electric utility service charges for electric current supplied to
13 lighting improvements or other improvements hereunder within each
14 UNIT, unless capable of being calculated for special assessment
15 purposes.

16 SECTION 6: BUDGET ADOPTION

17 Each year, the UNITS shall adopt an annual budget in
18 accordance with Chapter 129, Florida Statutes. The BOARD
19 thereafter may cause such millage to be levied against all lawfully
20 taxable property within said UNIT as is sufficient to raise the
21 budget. All funds so raised shall be used solely for the expenses
22 of the UNIT. Proper accounts and records shall be kept at all
23 times.

24 SECTION 7: TRUST FUNDS

25 A. 1. There are hereby established six (6) Trust
26 Funds; one (1) for each UNIT for the purposes of this Ordinance.
27 Except as otherwise provided in Section 28 of this Ordinance, all
28 special assessments and service charges collected pursuant to this
29 Ordinance for improvements hereunder shall be deposited into the
30 applicable Trust Fund. The BOARD may levy ad valorem taxes in each
31 UNIT to the full extent permitted by law. Said tax proceeds shall
32 be deposited into the applicable Trust Fund. The funds on deposit

1 in said Trust Fund shall be used for no other purpose than as
2 provided under the provisions of this Ordinance.

3 2. Within each Trust Fund there shall be
4 established separate component trust funds: one for funds
5 attributable to street lighting improvements, if any; one for funds
6 attributable to other street and road improvements within each
7 UNIT; as well as separate component trust funds for each of those
8 other improvements and facilities described in Section 8E of this
9 Ordinance. No component trust funds for street lighting
10 improvements and facilities described in Section 8E of this
11 Ordinance need be established by the BOARD or the applicable UNIT.

12 B. Funds for water and/or sewer improvements within the
13 County Water Utilities Department service area shall be provided by
14 said Department.

15 SECTION 8: IMPROVEMENTS

16 A. Road improvements as provided in this Ordinance
17 include, but are not limited to, such improvements as pavement,
18 grassing, landscaping, storm drainage facilities, traffic control
19 devices, driveways, earthwork, and all engineering and
20 administrative expenses in connection with the project. The term
21 "landscaping" includes the installation and maintenance thereof
22 pursuant to the County's Landscaping Ordinance.

23 B. Street lighting improvements as provided in this
24 Ordinance include, but are not limited to, such improvements as
25 poles, wires, lines, cables, lamps, meter boxes; all other
26 components of a street lighting system; and all engineering and
27 administrative expenses in connection with the design,
28 implementation, construction, as well as maintenance expenses
29 thereof, including electric utility company charges for the supply
30 of electric power to said improvements.

31 C. Projects under this Ordinance may cover areas
32 embraced by one or more UNITS. In such event, funds attributable

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1 to a particular UNIT may be utilized for that portion of the
2 project situated within or applicable to the respective UNIT.

3 D. The BOARD may, by Resolution, establish guidelines
4 applicable to the BOARD's determination of whether to proceed with
5 any project for which a petition is submitted.

6 E. In neighborhoods of special environmental concern
7 subject to problems that are capable of remediation by providing
8 facilities for water and/or sewer service or drainage, the BOARD
9 may provide any or all such improvements under the terms of this
10 Ordinance. In such circumstances, the provision of such services
11 and improvements shall be subject to all pertinent provisions of
12 this Ordinance and shall be treated in the same manner as street
13 lighting and landscaping improvements for special assessment
14 percentage purposes and other purposes. The term "drainage" as
15 used herein includes clearing and dredging of canals and other
16 drainage facilities not under the jurisdiction of other
17 governmental entities.

18 F. In areas of special concern along thoroughfares the
19 BOARD may provide for walls under the terms of this Ordinance.
20 Improvements of this type include, but are not limited to, all
21 components of walls; and all administrative and engineering
22 expenses in connection with design, implementation and
23 construction, as well as advising property owners and/or property
24 owners associations of all requirements including, but not limited
25 to, acquisition of easements by property owners associations and
26 maintenance responsibilities.

27 SECTION 9: SPECIAL ASSESSMENTS

28 The BOARD may provide for payment of a part or all of the
29 costs of any improvement under Section 8A, B, C, E or F of this
30 Ordinance by levying and collecting special assessments on the
31 abutting, adjoining, contiguous, or other property specially
32 benefitted by the improvements provided herein. In any case, the
33 percentage of the cost of road improvements, other than

1 landscaping, under Section 8A of this Ordinance to be paid by
2 special assessment, shall not exceed 50% of the total cost of said
3 improvements, except as provided in Section 28 of this Ordinance.

4 SECTION 10: PROPERTY OWNERS

5 Property owners, as referred to in this Ordinance, shall
6 include any person, firm, partnership, corporation, or other legal
7 entity holding title to any property liable for special assessments
8 hereunder if said special assessments were made. The requirements
9 for a majority of such property owners, as provided below, shall
10 mean no less than 51% of the owners in number of the lands liable
11 to be assessed for said improvements hereunder.

12 SECTION 11: METHOD OF ASSESSMENT

13 Properties specifically benefitted by the improvements
14 shall be assessed in proportion to the special benefits to be
15 determined and pro-rated according to the abutting footage of the
16 respective properties to the improvements or by such other lawful
17 method as the BOARD may prescribe.

18 SECTION 12: INITIAL PETITION

19 Property owners may request an estimate of the cost of
20 construction of the desired improvements under the provisions of
21 this Ordinance. The County Water Utilities Department Director
22 will process requests relating to water and/or sewer improvements
23 within the service area of said Department. The County Engineer
24 shall process all other requests. Such processing shall be done
25 according to the provisions of this Ordinance. Initial petition
26 forms shall be provided to any interested person. Signatures on
27 the petitions that represent a majority of property owners shall be
28 verified based on information in the Public Records. It shall also
29 be determined if sufficient right-of-way exists for the proposed
30 improvements. If additional right-of-way is required, further
31 action on the petition may be delayed unless or until right-of-way
32 acquisition is complete.

1 In the case of walls it shall be determined if sufficient
2 land exists outside the right-of-way for the proposed improvements
3 and whether the necessary easements exist or can be acquired by
4 property owners associations. If sufficient land does not exist or
5 property owners associations is unable to acquire necessary
6 easements no further action will be taken unless or until easement
7 acquisition is complete.

8 SECTION 13: FINAL PETITION

9 Upon receipt of initial petitions wherein the majority
10 ownership, right-of-way, and easement conditions have been complied
11 with, final petitions shall be prepared indicating a preliminary
12 cost estimate. Said estimate shall include, separately stated, all
13 improvements pursuant to the petition as considered necessary for
14 cost estimate purposes. An estimate of fees, direct charges, and
15 administrative costs shall be included in the preliminary estimate.
16 Such improvements shall be constructed to County standards.

17 An informational meeting shall be conducted with property
18 owners where deemed necessary or as directed by the BOARD. The
19 BOARD may, upon its own motion, require the preparation of a
20 preliminary cost estimate for specific improvements even though the
21 petition of property owners and majority ownership conditions have
22 not been met. In any case, a list of specially affected property
23 owners, the status of any petitions, and a report of existing
24 right-of-way and easements shall be included with the preliminary
25 cost estimate. Further action may not be taken unless sufficient
26 right-of-way exists to accommodate the proposed improvements or in
27 the case of walls, unless satisfactory easements exist.

28 SECTION 14: PERCENTAGE OF COST, FURTHER PROCEDURES

29 Upon completion of the preliminary cost estimate and
30 compliance with the requirements of Section 13 of this Ordinance,
31 said improvements shall be brought to the BOARD for a public
32 hearing. Prior to said public hearing, the matter shall first be
33 brought to the BOARD for a determination of the method of

1 assessment to be utilized, unless said method of assessment is
2 proposed to be an abutting footage method and for a determination
3 of the percentage of cost for the improvement to be repaid by the
4 property owner to the applicable Trust Fund by special assessments
5 upon the specially benefitted property, unless the proposed
6 percentage of costs for a road improvement, other than landscaping,
7 is to be 50% of the total cost, and 100% to landscaping, 100% to
8 street lighting improvements, and 100% to barrier walls. Provided,
9 however, that the BOARD at any time, in its sole discretion, may
10 reject the petition or project for any further consideration.

11 **SECTION 15: PETITION FORMS**

12 The petition forms referred to in Sections 12 and 13 of
13 this Ordinance shall be approved by the County Attorney. The
14 petition shall include a description of the proposed improvements
15 and a statement from the petitioners requesting that the
16 improvements be constructed and that the petitioners recognize that
17 the BOARD will make the determination of special assessments at a
18 public hearing. Petitioners further agree to be assessed for the
19 actual costs of construction of the improvements, including other
20 allowable incidental costs connected therewith, in an amount not to
21 exceed the maximum allowed by this Ordinance.

22 **SECTION 16: DESIGN AND FUNDING**

23 Upon receipt of final petitions from property owners, or
24 on its own motion, the BOARD may authorize the design of
25 improvements and the solicitation of construction bids or other
26 appropriate action. The BOARD may authorize the expenditure of
27 consultant design fees from the applicable Trust Fund or Water
28 Utility Department funds. A construction contract shall not be
29 awarded unless and until the BOARD has approved the subject
30 improvement at the public hearing required by Section 17 of this
31 Ordinance. Pursuant to this Ordinance, the BOARD may proceed with
32 an improvement project without any petition by property owners.

1 SECTION 17: PUBLIC INFORMATION MEETING

2 All specially benefitted property owners shall be
3 notified of an informational meeting to be held at least one (1)
4 week prior to the public hearing required under Section 18 of this
5 Ordinance. At the meeting, County staff shall explain the proposed
6 improvements, tentative assessment to each property, and the
7 procedure to be followed. The BOARD shall not be required to
8 attend the meeting but any member thereof may be present to observe
9 the proceedings. The notification required to be given for such
10 meeting for a Board initiated project shall consist of a notice
11 published in a local newspaper of general circulation. If there is
12 no local newspaper of general circulation, then in any newspaper of
13 general circulation in Palm Beach County. Said publication shall
14 be made once at least ten (10) days before the informational
15 meeting date. A courtesy notice for Board initiated **and** petitioner
16 initiated projects shall be mailed to each property owner by
17 regular mail no less than ten (10) days before the informational
18 meeting date. The mailed notice shall be based on names and
19 addresses found in the records of the Property Appraiser or from
20 other reliable sources. The mailed notice shall include the
21 property owner's tentative assessment applicable to the property to
22 be assessed. Provided, however, that in lieu of an informational
23 meeting, a comprehensive and detailed explanation of the proposed
24 improvements may be distributed by regular mail after all property
25 owners have been notified that an informational meeting will not be
26 held.

27 SECTION 18: PUBLIC HEARING

28 Prior to awarding the contract for construction of the
29 improvements for which special assessments will be made, the BOARD
30 shall hold a public hearing on the proposed project unless the
31 BOARD rejects the project from further consideration. Property
32 owners to be assessed shall be notified by regular mail of the time
33 and place of said public hearing. The mailed notice shall advise

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1 each property owner of their individual proposed special
2 assessment, per parcel, based on the lowest acceptable bid,
3 including other allowable costs and the percentage and method of
4 assessment determined in accordance with the above provisions of
5 this Ordinance.

6 The public hearing shall be held not later than ten (10)
7 weeks after the date the construction bids are received and no
8 sooner than ten (10) days after the mailing of the notices
9 described in this paragraph. Addresses for the mailed notices
10 shall be obtained from the records of the Property Appraiser or
11 other reliable sources.

12 In addition, a notice shall be published once each week
13 for two (2) consecutive weeks in a newspaper of general circulation
14 in the locality. If there is no newspaper of general circulation
15 in the locality, then said notice shall be published in a newspaper
16 of general circulation in Palm Beach County. The most recent of
17 such publication shall be no less than one (1) week before the
18 public hearing. In the event of a determination to proceed with
19 the project after said public hearing, the BOARD shall do so by
20 Resolution as provided in Section 19 of this Ordinance.

21 At least ten (10) days before the public hearing, each
22 property owner shall be given notice of the public hearing by
23 regular mail. The mailed and published notices shall describe the
24 streets or areas to be improved and advise all interested persons
25 that each property and amount to be assessed may be obtained at the
26 office of the Clerk of the BOARD. At said public hearing, the
27 owners of property to be specially assessed or any other interested
28 persons may appear before the BOARD and be heard as to the
29 propriety and advisability of making such improvements, costs,
30 manner of payment, and amount to be specially assessed against each
31 property to be improved.

32 At the public hearing, an assessment roll prepared in
33 accordance with the method and percentage of assessment provided by

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1 this Ordinance shall be presented to the BOARD. Said assessment
2 roll shall show the lots and lands assessed, and the amount of
3 benefit to and assessment against each lot or parcel of land. If
4 said special assessment is to be paid in installments, the number
5 of annual installments into which the special assessment is divided
6 shall also be entered and shown upon the assessment roll.

7 At the time and place named in the notice of publication,
8 the BOARD shall meet as an equalizing board to hear and consider
9 all complaints as to such special assessments and shall adjust,
10 equalize, and approve by Resolution as required in Section 19 of
11 this Ordinance. Such assessment shall stand affirmed and remain
12 legal, valid, and binding as a first lien upon the property against
13 which such assessment is made until paid.

14 Upon completion of the improvements, the BOARD may credit
15 to each assessment the difference in the original assessment made,
16 approved and confirmed, and the proportionate part of the actual
17 costs of the improvement to be paid by special assessment
18 determined upon completion of said improvements. In no event shall
19 the final assessments exceed the amount of benefits originally
20 assessed by the BOARD. Promptly after such confirmation of
21 assessment, the assessment roll shall be recorded by the Clerk of
22 the BOARD in a special book known as the "IMPROVEMENT LIEN BOOK"
23 and the record of the lien in said book shall constitute prima
24 facia evidence of its validity. A copy of the Resolution above
25 shall also be recorded in the official records of the Clerk of the
26 Circuit Court of Palm Beach County to facilitate knowledge of said
27 lien by third parties.

28 **SECTION 19: DECLARE SPECIAL ASSESSMENT**

29 If the BOARD determines to proceed to make any
30 improvement authorized by this Ordinance and to defray part of the
31 expense thereof by special assessments, the BOARD shall so declare
32 by Resolution stating the nature of the proposed improvement,
33 designating the street(s) or other areas to be improved, method in

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1 which said assessments shall be made, and when said assessments are
2 to be paid. Said Resolution shall designate the lands upon which
3 the special assessment shall be levied and shall state the total
4 estimated costs of the improvement. Road improvement and street
5 lighting improvement costs, and costs for any other improvement
6 authorized herein, as applicable, shall be separately stated.
7 Such estimate shall include the estimated costs of engineering,
8 construction, administration, and all other attributable costs.

9 SECTION 20: PRIORITY OF LIEN, INTEREST, AND METHOD OF
10 PAYMENT OF SPECIAL ASSESSMENTS

11 Said special assessment(s) shall be payable at the time
12 and manner stipulated in the Resolution providing for said
13 improvements. Said special assessment shall remain a lien,
14 inferior to the lien of all federal, state, county, district and
15 municipal taxes, but superior to all other liens, titles, and
16 claims until paid. Lien(s) shall bear interest at a rate not to
17 exceed 10% per year from the date of acceptance of said improvement
18 and may, by Resolution, be made payable in not more than ten (10)
19 equal annual installments, if installments are allowed by the
20 BOARD. Said assessments may be paid without interest at any time
21 within thirty (30) days after the improvement is completed and a
22 motion accepting said improvement has been adopted by the BOARD or
23 its authorized representative(s). However, if assessment is not
24 paid when due, there shall be additional interest at a rate of 10%
25 per year, upon the due but unpaid installment(s) or portions
26 thereof outstanding at the end of each month, added to the
27 outstanding assessment balance.

28 SECTION 21: VALID ASSESSMENT TO BE MADE

29 If any special assessment made under the provisions of
30 this Ordinance to defray part of the expense of any improvement
31 made hereunder shall be either in whole or in part vacated or set
32 aside by the judgment of any Court, or if the BOARD shall be
33 satisfied that such assessment is so irregular or defective that

1 same cannot be enforced or collected, or if the BOARD omitted to
2 make such assessment when it might have done so, the BOARD shall
3 take all necessary steps to cause a new assessment to be made for
4 any improvement and against property specially benefitted by such
5 improvement, following the provisions of this Ordinance. In case
6 the second assessment shall also be invalid, the BOARD may obtain
7 and make other assessments until a valid assessment is made.

8 **SECTION 22: ISSUANCE OF CERTIFICATE OF INDEBTEDNESS**

9 Certificates, when issued, shall be signed by the Chair
10 of the BOARD. In the Chair's absence or incapacity, the Vice-Chair
11 of said BOARD shall sign the Certificates. The Clerk of the
12 Circuit Court of Palm Beach County as Clerk of said BOARD shall
13 also sign the Certificates. In the Clerk's absence, an assistant
14 clerk duly designated shall sign the Certificates. The seal of the
15 Clerk shall be affixed to the Certificates. The signature of the
16 Chair or Vice-chair shall be acknowledged before a Notary Public
17 for the State of Florida and the Certificate recorded in the Office
18 of the Clerk of the Circuit Court of Palm Beach County, Florida.
19 A Notary duly commissioned by the State of Florida may take and
20 certify such acknowledgement made by the Chair or Vice-Chair.

21 **SECTION 23: DEFAULT ON SPECIAL ASSESSMENTS**

22 Failure to pay any installment of principal or interest
23 or any part thereof when same becomes due and payable, shall cause
24 without notice or other proceedings, all installments of principal
25 remaining unpaid to be immediately due and payable and subject to
26 foreclosure. The County of Palm Beach or the holder of the
27 Certificate may enforce the lien of such Certificate as hereinafter
28 provided. Immediately upon default in any payment, an additional
29 lien for the cost of enforcement thereof including court costs,
30 abstract costs, and reasonable attorneys fees, shall accrue and
31 mature. Enforcement of such assessments may be by suit in equity
32 brought in accordance with the Florida Rules of Civil Procedure or
33 by any other lawful legal process or procedure available for

1 enforcement pursuant to the laws of the State of Florida. The
2 final decree or judgment shall include the amount of principal
3 remaining due and unpaid upon such assessment, together with any
4 interest accrued thereon, and all costs including abstract fees and
5 attorneys fees. The foreclosure proceeding brought hereunder shall
6 be prosecuted to a sale and conveyance of the property involved in
7 said proceedings as provided by law in suit to foreclosure
8 mortgages.

9 SECTION 24: ASSESSMENT ROLL; SUFFICIENT EVIDENCE

10 Any informality or irregularity in the proceedings in
11 connection with the levy of any special assessment under the
12 provisions of this Ordinance shall not affect the validity of same
13 where the assessment roll has been confirmed by the BOARD. The
14 assessment roll as finally approved and confirmed shall be
15 competent and sufficient evidence that the assessment was: duly
16 levied; duly made and adopted; and that all proceedings adequate to
17 the adoption of the assessment roll were duly had, taken and
18 performed as required by this Ordinance. No variance from the
19 directions of this Ordinance shall be held material unless it is
20 clearly shown that the objecting party was materially injured
21 thereby.

22 SECTION 25: PAYMENTS

23 Billing, receiving, and accounting for the payment of
24 assessments shall be the responsibility of the Clerk of the Circuit
25 Court. A record of payments and balances shall be kept for each
26 property assessed. All payments received shall be deposited into
27 the applicable Trust Fund or deposited as otherwise provided in
28 this Ordinance. A tabulation of accounts shall be provided by the
29 Clerk of the Circuit Court.

30 SECTION 26: REPEAL OF COURTESY ROAD POLICY

31 The Resolution of April 8, 1969, passed and adopted by
32 the BOARD, commonly referred to as the Courtesy Road Policy, is
33 hereby repealed in its entirety. Petitions for road maintenance

1 previously received under said Policy shall be accepted f
2 processing under the provisions of this Ordinance provided sa
3 petitions satisfy the requirements in terms of the number of val
4 signatures of property owners as required herein and provid
5 sufficient right-of-way exists.

6 SECTION 27: PRIORITY OF PETITIONS AND RECORD-KEEPING

7 Except for BOARD-designated emergencies requiring
8 majority vote of the BOARD, petitions previously received shall
9 processed in the order received and considered at an appropriat
10 entry level within the procedural requirements established by thi
11 Ordinance. All final petitions hereafter received fo
12 consideration under this Ordinance shall be numbered in the orde
13 received, and shall be processed accordingly, except in instance
14 where delays would be encountered due to problems with funding
15 right-of-way acquisition, interdepartmental coordinating, etc
16 County staff shall maintain a tabulation of numbered petition
17 along with the balances remaining in the applicable Fund. N
18 contracts for construction shall be awarded unless sufficient funds
19 are available for all committed projects with no less than 15%
20 reserve based on a total sum for all committed projects.

21 SECTION 28: IMPLEMENTATION BY CORPORATION; FULL SPECIAL
22 ASSESSMENT ALLOWED

23 The BOARD may contract with Florida not-for-profit
24 corporations to engage in or facilitate construction of improvement
25 projects authorized by this Ordinance when deemed appropriate, and
26 may permit said corporations to advance funds for said project, and
27 to construct and maintain said project. Advancement of funds shall
28 be reimbursed only by special assessments actually collected. In
29 such instance the County shall require adequate indemnification and
30 insurance protection to be furnished by the Corporation for the
31 County's benefit. Moreover, in such instance, the percentage of
32 the cost of improvements under this Ordinance to be paid by said

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1 special assessments may be equal to the total cost of said
2 improvement, but shall not exceed said cost.

3 SECTION 29: SUPPLEMENTAL PROVISIONS

4 This Ordinance shall be deemed to provide a supplemental,
5 additional, and alternative method of procedure for the benefit of
6 the County and shall not apply to improvements done pursuant to any
7 other law.

8 SECTION 30: SAVINGS CLAUSE

9 This Ordinance shall not affect or impair the processing
10 and implementation of any improvement project commenced under the
11 provisions of Ordinance Nos. 82-17, 84-5, 86-16 or 87-10.

12 SECTION 31: REPEAL OF LAWS IN CONFLICT

13 All local laws and ordinances applying to the
14 unincorporated area of Palm Beach County in conflict with any
15 provision of this Ordinance are hereby repealed.

16 SECTION 32: SEVERABILITY

17 If any section, paragraph, sentence, clause, phrase, or
18 word of this Ordinance is for any reason held by the Court to be
19 unconstitutional, inoperative or void, such holding shall not
20 affect the remainder of this Ordinance.

21 SECTION 33: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

22 The provisions of this Ordinance shall become and be made
23 a part of the Code of Laws and Ordinances of Palm Beach County,
24 Florida. The sections of this Ordinance may be renumbered or
25 relettered to accomplish such, and the word "ordinance" may be
26 changed to "section," "article," or any other appropriate word.

27 SECTION 34: PRE-EMPTION OF WATER AND/OR SEWER SERVICE

28 AGREEMENT

29 The provisions of this Ordinance shall pre-empt any
30 requirements under a separate agreement with the County for the
31 provisions of water and/or sewer services to the subject property
32 as outlined on the assessment roll. Therefore, the requirements of

MSTU SPECIAL ASSESSMENT ORDINANCE/91

1 this Ordinance will supersede the provisions of any such separate
2 water and/or sewer service agreement.

3 SECTION 35: EFFECTIVE DATE

4 The provisions of this Ordinance shall become effective
5 upon receipt of acknowledgement from the Secretary of State.

6 **APPROVED AND ADOPTED** by the Board of County Commissioners
7 of Palm Beach County, Florida, this 15th day of October,
8 1991.

9 JOHN B. DUNKLE, CLERK

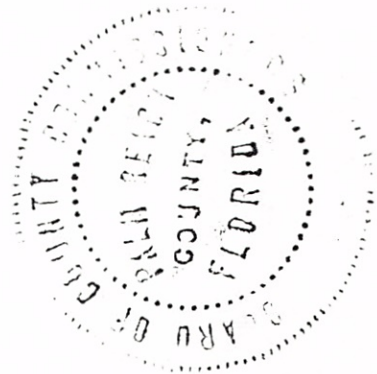
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

11 By Joan Haverly
12 Deputy Clerk

By [Signature]
Chair

13 APPROVED AS TO FORM AND
14 LEGAL SUFFICIENCY

15 By [Signature]
16 County Attorney



17 Acknowledgement by the Department of State of the State
18 of Florida, on the 24th day of October, 1991, and filed
19 in the Office of the Clerk of the Board of County Commissioners of
20 Palm Beach County, Florida.

21 **EFFECTIVE DATE:** Acknowledgement from the Department of
22 State received on the 28th day of October, 1991, at
23 1:26 P.M., and filed in the Office of the Clerk of the Board
24 of County Commissioners of Palm Beach County, Florida.

(blm)H:\ATTY\ORD\MSTU91.ORD (10/15/91REV)

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners, do hereby certify this to
be a true and correct copy of the original filed in
my office on 10/15/91.
DATED at West Palm Beach, FL on 10/29/91.
JOHN B. DUNKLE, Clerk,
By: [Signature] D.C.

MUNICIPAL SERVICE TAXING UNIT NO. 1

(MSTU)

Begin at the water's edge of the Atlantic Ocean and the easterly prolongation of Root Trail; thence westerly along Root Trail and its eastern prolongation to Ocean Boulevard; thence northerly along Ocean Boulevard to Seminole Avenue; thence westerly along Seminole Avenue and its western prolongation to the center line of the channel of the Intracoastal Waterway; thence northerly along said center line of the channel to Palm Beach Lakes Boulevard (12th Street) and its easterly prolongation; thence westerly along said Palm Beach Lakes Boulevard and its easterly prolongation to the center line of the Florida East Coast Railroad; thence northerly along the center line of said Railroad to 25th Street; thence westerly along 25th Street to Australian Avenue; thence southerly along Australian Avenue to the north line of lot 5 and its easterly and westerly prolongation to the eastern waters of Lake Mangonia; thence meander northerly, westerly, and southerly along the water's edge of Lake Mangonia to the West Palm Beach Water Catchment Canal; thence northwesterly and westerly along the West Palm Beach Water Catchment Canal to Haverhill Road; thence northerly along Haverhill Road to the north line of Section 11, Township 43S, Range 42E; thence southerly along the east line of Range 41E to the north line of Section 12, Township 43S, Range 41E; thence westerly along the north lines of Section 12, 11, 10, 9, 8, and 7 of Township 43S, Range 41E to the west line of Range 41E; thence northerly along the west line of Range 41E to the north line of Section 12, Township 43S, Range 40E; thence northerly along the west line of Range 40E to the north line of Township 43S, Range 40E; thence easterly along the north line of Township 43S, Range 40E to the west line of Township 43S, Range 40E; thence northerly along the west line of Range 40E to the north line of Palm Beach County; thence easterly, northerly and easterly along the north line of Palm Beach County to the eastern waters of the Atlantic Ocean; thence meander southerly along the water's edge of the Atlantic Ocean to the easterly prolongation of Root Trail and the Point of Beginning.

MUNICIPAL SERVICE TAXING UNIT NO. 2

(MSTU)

3 Begin at the intersection of the north line of lot 110 of Plat Book
4 8, Page 3, Palm Beach County Records, and the water's edge of the
5 Atlantic Ocean; thence westerly along the north line and its
6 westerly prolongation of lot 110 to the center line of the channel
7 of the Intracoastal Waterway; thence southerly along the center
8 line of the said channel of the Intracoastal Waterway to the C-51
9 canal (West Palm Beach Canal) and its easterly prolongation; thence
10 westerly along the C-51 Canal and its easterly prolongation to the
11 easterly terminus of the Lake Worth Drainage District L-8 Canal;
12 thence westerly along said L-8 Canal to Military Trail; thence
13 southerly along Military Trail to the Lake Worth Drainage District
14 L-9 Canal; thence westerly along said L-9 Canal to State Road 7;
15 thence southerly along State Road 7 to the north line of Section
16 24, Township 44S, Range 41E; thence westerly along the north lines
17 of Section 24, 23, 22, 21, 20 and 19 to the west line of Range 41E;
18 thence southerly along the east line of Range 40E to the north line
19 of Sections 24, 23, 22, 21, 20 and 19 to the west line of Range
20 40E; thence northerly along the west line of Range 40E to the south
21 line of MSTU No. 1; thence easterly along said south line of MSTU
22 No. 1 to the waters of the Atlantic Ocean; thence southerly along
23 the water's edge of the Atlantic Ocean to the Point of Beginning.

1

MUNICIPAL SERVICE TAXING UNIT NO. 3

2

(MSTU)

3 Begin at the intersection of the water's edge of the Atlantic Ocean
4 and the center line of the Boynton Inlet; thence westerly along the
5 center line of the Boynton Inlet to the center line of the channel
6 of the Intracoastal Waterway; thence southerly along the center
7 line of the channel of the Intracoastal Waterway to Northeast
8 Second Avenue (S.R. 804) and its eastern prolongation; thence
9 westerly along Northeast Second Avenue (S.R. 804) and its eastern
10 prolongation to Congress Avenue; thence southerly along Congress
11 Avenue to the Lake Worth Drainage District Canal L-26; thence
12 westerly along said L-26 Canal to State Road 7; thence northerly
13 along State Road 7 to the north line of Section 36, Township 45S,
14 Range 41E; thence westerly along the north lines of Sections 36,
15 35, 34, 33, 32 and 31 of Township 45S, Range 41E to the west line
16 of Range 41E; thence southerly along the west line of Range 41E to
17 the south line of Township 45S, Range 40E to the west line of
18 Township 45S, Range 40E; thence northerly along the west line of
19 Range 40E to the south line of MSTU No. 2; thence easterly along
20 said south line of MSTU No. 2 to the eastern waters of the Atlantic
21 Ocean; thence southerly along the water's edge of the Atlantic
22 Ocean to the Point of Beginning.

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MUNICIPAL SERVICE TAXING UNIT NO. 4

(MSTU)

Bounded on the east by the water's edge of the Atlantic Ocean;
bounded on the north by the south line of MSTU No. 3; bounded on
the west by the west line of Range 40E; bounded on the south by the
south line of Palm Beach County.

1

MUNICIPAL SERVICE TAXING UNIT NO. 5

2

(MSTU)

3

4

All that portion of Palm Beach County lying west of the west line
of MSTU Nos. 1, 2, 3, and 4.

MUNICIPAL SERVICE TAXING UNIT NO. 6

(MSTU)

The boundary lines of Palm Beach County are as follows: Beginning on the east boundary of Florida at a point where the south boundary of Township 47S, of Range 43E, produced easterly would intersect the same; thence westerly on said township line to its intersection with the axis or center line of the Hillsborough State Drainage Canal as at present located and constructed; thence westerly along the center line of said canal to its intersection with the section line dividing Sections 26 and 35 of Township 47S, Range 41E; thence westerly on the section line dividing said Sections 26 and 35 and other sections to the northwest corner of Section 31, of Township 47S, Range 41E; thence south on the range line dividing Ranges 40 and 41, Township 47S, to the northeast corner of Section 25 of Township 47S, Range 40E, a distance of 106 feet more or less; thence due west on the north boundary of the sections numbered from 25 to 30, inclusive, of Townships 47S, Ranges 37 to 40E, inclusive, as the same have been surveyed or may hereafter be surveyed by the authority of the Board of Trustees of the Internal Improvement Trust Fund, to the northwest corner of Section 30, Township 47S, Range 37E; thence continuing due west to the range line between Ranges 34 and 35E, and the east boundary of Hendry County; thence north on said range line, concurrent with the east boundary of Hendry County, to the south shore of Lake Okeechobee; thence continuing north on said range line to the northeast corner of Section 36, Township 40S, Range 34E; thence easterly parallel to and one mile north from the Township line dividing Townships 40 and 41S to where the south boundary of Section 26, Township 40S, Range 37E intersects the normal water level on the boundary of Lake Okeechobee; thence east on the south boundary line of said Section 26 and other sections across Ranges 37, 38 and 39, 40, 41 and 42E to the east line of Section 28, Township 40S, Range 42E; thence north on said east section line to the north line of said section 28; thence east on the section line between Sections 22 and 27 of Township 40S, Range 42E, and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the place of beginning.

Less and excepting therefrom, all incorporated areas.

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